

****NOT FOR PUBLICATION**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

GREGORY MAC DONALD BERRY,

Plaintiff,

v.

**UNITED STATES OF AMERICA,
et al.,**

Defendants

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CIV. NO. 22-6113 (RMB-AMD)

OPINION

APPEARANCES:

**Gregory Mac Donald Berry
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FCI Fairton
P.O. Box 420, Fairton, NJ 08320
Plaintiff, Pro Se**

**Kristin Lynn Vassallo, Assistant United States Attorney
Office of the U.S. Attorney
District of New Jersey
970 Broad Street
Newark, NJ 07102
On behalf of Defendant Dr. Abigail Lopez De La Salle**

RENÉE MARIE BUMB, Chief United States District Judge

This matter comes before the Court upon Defendant Dr. Abigail Lopez de la Salle's motion to dismiss Plaintiff's *Bivens* Claim. (Mot. to Dismiss, Dkt. No. 22),

and Plaintiff's motions to join Defendant's motion to dismiss his *Bivens* claim. (Mot. to Join Def's mot., Dkt. Nos. 23, 24.) Plaintiff agrees that the Supreme Court's decision in *Egbert v. Boule*, 142 S. Ct. 1793 (2022) requires dismissal of his Eighth Amendment *Bivens* claim. Therefore, the Court will grant Defendant's unopposed motion to dismiss, and dismiss with prejudice Plaintiff's the Eighth Amendment *Bivens* claim against Dr. Abigail Lopez de la Salle.

An appropriate Order follows.

Date: March 5, 2024

s/Renée Marie Bumb
RENÉE MARIE BUMB
Chief United States District Judge